

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAYMOND L. RIDGEWAY,

Plaintiff,

CIV. S-01-1351 FCD PAN PS

v.

VALLEY MEDIA, INC., et al.,

FINDINGS AND RECOMMENDATIONS

Defendants.

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On November 10, 2005, this court directed the parties to file a stipulation for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii), based on the September 26, 2005, status report of defendant, Valley Media Inc., that it had settled all claims with plaintiff pursuant to a stipulation approved by the bankruptcy court. While plaintiff's action against Valley Media, Inc., was stayed December 5, 2001, due to the latter's Chapter 11 bankruptcy filing, judgment was entered August 8, 2002, dismissing plaintiff's claims against all other defendants.

Neither party has responded to the court's November 10, 2005, order.

Accordingly, good cause appearing, the court recommends dismissal of this action against Valley Media, Inc., pursuant to Fed. R. Civ. P. 41(b) (failure of plaintiff to prosecute or comply with court order).

These findings and recommendations are submitted to the Honorable Frank C. Damrell, Jr., the United States District Judge assigned to this case. 28 U.S.C. § 636(b)(1). Written objections may be filed within ten days after being served with these findings and recommendations. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: January 23, 2006.

/s/ Peter A. Nowinski

PETER A. NOWINSKI

Magistrate Judge